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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)**

THE PEOPLE,

Plaintiff and Respondent,

v.

ABDUL AHAD,

Defendant and Appellant.

C062519

(Super. Ct. No. 08F05864)

This appeal is brought pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

A jury convicted defendant Abdul Ahad of assault with a deadly weapon, but found he did not personally inflict great bodily injury on the victim. (Pen. Code, §§ 245, subd. (a)(1), 12022.7, subd. (a).) The trial court sentenced defendant to the low term of two years in state prison. Defendant timely filed this appeal.

The victim testified that on July 20, 2008, he and defendant, a fellow cab driver, argued over a fare near the Sacramento Greyhound station, then defendant attacked him and

stabbed him "In my back over my left shoulder." A Greyhound station security guard corroborated this account, as did an employee of the Berry Hotel. A police officer found a pocketknife in defendant's cab. This officer spoke with defendant, who said another cab driver had diverted a fare from defendant's cab, but "After [defendant] told me that, he didn't want to tell me anything, he said he had to do what he had to do."

Defendant testified the victim had been friendly and had given defendant advice about the cab business during the week or so defendant had known the victim. Although the victim told defendant he had killed people and had been in prison, defendant thought the victim was bluffing. On the date in question, a fare was approaching defendant's cab, when the victim crossed in the middle of the street and led her to another driver's cab. Defendant got out of his cab and asked the victim not to do that again, and the victim suddenly pushed defendant down. When the victim came to attack him again, defendant got his knife for protection and stabbed the victim: "And I was aiming at his hand, not his life organs or his body to hurt him. I don't know why it happened to the shoulder. I was aiming at his hands." Defendant admitted that in 2006, he had an altercation at a recycling center, where a younger man threatened him with a bottle, and defendant picked up a crowbar.

Defendant presented the testimony of several other cab drivers, to the effect that the victim had a propensity for violence, to bolster defendant's claim of self-defense.

A rebuttal witness testified that in 2006, defendant grabbed his neck and then came after him with a crowbar, after an argument at the recycling center.

The parties stipulated that in 1992, the victim was convicted of two counts of battery with serious bodily injury, but had not been to prison or suspected of homicides.

The jury rejected the self-defense claim and convicted defendant of assault with a deadly weapon, but found the great bodily injury enhancement not true.

We appointed counsel to represent defendant on appeal.

Counsel successfully moved in the trial court to increase defendant's presentence custody credits, pursuant to the more generous formula recently enacted. (Pen. Code, § 4019; Stats. 2009, 3d Ex. Sess., ch. 28, § 50.)

Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

BUTZ, J.

We concur:

BLEASE, Acting P. J.

NICHOLSON, J.